

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61804 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- ROSERA District- Samastipur

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KAMESHWAR KAPAR @KAMESHWAR S/o Dhainklal Kapar @
Dhaniklal Kapar @ Adhiklal Kapar @ Adhik Kapar R/v- Kasor, P.S.-
Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Rosera

P.S. Case No. 98 of 2022 registered for the offences punishable

under Sections 272, 273/34 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Amendment

Act.

As per prosecution case, there is alleged recovery

of 272.250 liters foreign liquor as well as three motorcycles

bearing Registration Nos. BR09J-3089, BR33C-7277 and

BR33L-4496 from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 11.08.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is alleged to be the owner of the motorcycle bearing registration no. BR33L-4496 in question. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court – I, Samastipur in connection with Rosera P.S. Case No. 98 of



2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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